

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

SAMUEL HARDLEY,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 1:14-cv-0802-TWP-TAB
	)	
CORRECTIONS CORPORATION OF AMERICA,	)	
et al.,	)	
Defendants.	)	

**Entry Granting Motion to Proceed *In Forma Pauperis*, Discussing Complaint,  
Dismissing Insufficient Claims, and Directing Further Proceedings**

**I.**

The plaintiff's motion to proceed *in forma pauperis* [dkt. no. 2] is is **GRANTED**. No assessment of even a partial initial filing fee is feasible at this time.

**II. Background**

Because plaintiff Samuel Hardley is a Aprisoner® as defined by 28 U.S.C. ' 1915(h), the Court has screened his complaint as required by 28 U.S.C. ' 1915A(b). Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007).

Hardley's claims are brought pursuant to 42 U.S.C. § 1983. He names the following defendants: 1) the Correctional Corporation of America ("CCA"); 2) Correctional Medical Services a/k/a Corizon; 3) Nurse Lioce Mukona; and 4) two John Doe defendants. He seeks "declaratory" damages, which the Court construes as "compensatory," and punitive damages.

### III. Screening

To satisfy the notice-pleading standard of Rule 8(a)(2) of the *Federal Rules of Civil Procedure*, a complaint must provide a “short and plain statement of the claim showing that the pleader is entitled to relief.” Such statement must provide the defendant with “fair notice” of the claim and its basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). The complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation omitted). Pro se complaints such as that filed by Hardley are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Erickson*, 551 U.S. at 94; *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Some claims shall be dismissed and some shall proceed, consistent with the following:

**The claims against John Doe unknown defendants are dismissed** for failure to state a claim upon which relief can be granted because “it is pointless to include [an] anonymous defendant [ ] in federal court; this type of placeholder does not open the door to relation back under Fed.R.Civ.P. 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted). Bringing suit against unnamed, or “John Doe,” defendants in federal court is generally disfavored by the Seventh Circuit.

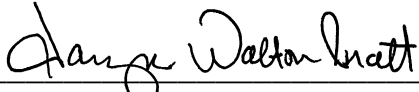
**The claim against CCA is dismissed** because Hardley has not alleged any constitutionally deficient policy or custom of CCA that caused him injury. *See City of Canton v. Harris*, 489 U.S. 378, 387-88 (1989); *Monell v. Dept. of Soc. Serv.*, 436 U.S. 658, 690-92 (1978).

#### IV. Further Proceedings

The Eight Amendment claims of deliberate indifference to a serious medical need shall proceed against defendants Correctional Medical Services a/k/a Corizon and nurse Loice Mukona. The clerk shall **issue and serve process** on defendants 1) Correctional Medical Services a/k/a Corizon and 2) nurse Loice Mukona in the manner specified by *Fed. R. Civ. P. 4(d)(2)*. Process in this case shall consist of the complaint filed on May 16, 2014, applicable forms, and this Entry.

**IT IS SO ORDERED.**

Date: 05/21/2014

  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

Distribution:

Samuel Hardley  
872389  
Plainfield Correctional Facility  
Inmate Mail/Parcels  
727 Moon Road  
Plainfield, IN 46168

Correctional Medical Services a/k/a Corizon  
Indiana Government Center South, E-334  
302 West Washington Street  
Indianapolis, IN 46204

Nurse Loice Mukona  
Plainfield Correctional Facility  
727 Moon Road  
Plainfield, IN 46168

**NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.**